

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CR2008-031021-001 DT

12/05/2013

HON. SHERRY K. STEPHENS

CLERK OF THE COURT  
C. Harrington  
Deputy

STATE OF ARIZONA

JUAN M MARTINEZ

v.

JODI ANN ARIAS (001)

KIRK NURMI  
JENNIFER L WILLMOTT

CAPITAL CASE MANAGER

MINUTE ENTRY

The Court has considered the Motion to Reconsider Change of Venue and Request for Individualized Voir Dire filed December 1, 2013. Defendant requests the Court reconsider its ruling on two motions because the defendant's former cellmate granted media interviews in which she spoke poorly of the defendant, claiming the defendant was dangerous to others even though she is behind bars. In addition, the cellmate stated the defendant wanted revenge against the prosecutor, the investigating detective and a victim family member. Defendant argues that this recent pretrial publicity will prevent her from receiving a fair trial in Maricopa County.

The Court finds this new information does not change its rulings on the defendant's motion for change of venue or motion for individual voir dire. See court minute entries dated November 13, 2013 and November 14, 2013. Defendant will be given an opportunity to fully question potential jurors to determine if they were exposed to any media coverage about the defendant or this case and whether they can put aside such information and determine the case solely on the evidence presented at trial. This Court will permit an attorney to conduct individual voir dire upon request if that attorney can establish the need to speak with a specific juror outside the presence of other jurors. Each prospective juror will complete a comprehensive juror questionnaire before meeting with the court and counsel to answer additional questions. The

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Court will include specific questions on the juror questionnaire directed at obtaining information about exposure to media coverage of this case.

As previously noted in its rulings, this Court has no basis for finding the defendant has met the very heavy burden of establishing the media coverage has been so prejudicial, extensive or outrageous that a fair and impartial trial cannot be had. See Rule 10.3(a), *Arizona Rules of Criminal Procedure* and *State v. Payne*, 674 Ariz.Adv.Rep. 5 at 7 (2013). Defendant may re-urge her motion if it becomes evident during jury selection that a fair and impartial jury cannot be seated in Maricopa County.

IT IS ORDERED denying the Motion to Reconsider Change of Venue and Request for Individualized Voir Dire filed December 1, 2013.